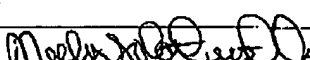


DEC 30 2003

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Certificate of Transmission Under 37 C.F.R. §1.8			
I hereby certify that this paper and the papers and/or fees referred to herein as attached are being transmitted via facsimile to the United States Patent and Trademark Office, Technology Center 3700, at facsimile number (703) 872-9303 on December 30, 2003.			
Date of Deposit:	12/30/2003	Name of Person Making the Deposit:	Neely Jo Entwistle
		Signature of the Person Making the Deposit:	

In re Application of	)	
MAKAREWICZ et al.	)	Atty. Docket No: IMET0066
Application No: 09/954,856	)	Art Unit: 3736
Filed: September 17, 2001	)	Examiner: KREMER, Matthew J.
Title: METHOD AND APPARATUS FOR MINIMIZING SPECTRAL INTERFERENCE DUE TO WITHIN AND BETWEEN SAMPLE VARIATIONS DURING IN-SITU SPECTRAL SAMPLING OF TISSUE	)	Date: December 30, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Re: Final Office Action Response and Amendment**

To: United States Patent and Trademark Office  
Fax: (703) 872-9303  
Attention: Matthew Kremer, Technology 3700, Art Unit 3736

Pages (including coversheet): 13

**Attached to this facsimile coversheet please find the following documents:**

- Amendment Transmittal (1 page)
- Amendment and Response to Final Office Action (11 pages)

## PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

MAKAREWICZ et al.

Application No: 09/954,856

Filed: September 17, 2001

Title: METHOD AND APPARATUS FOR MINIMIZING  
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AND BETWEEN SAMPLE VARIATIONS DURING  
IN-SITU SPECTRAL SAMPLING OF TISSUE

Atty. Docket No: IMET0066

Art Unit: 3736

Examiner: KREMER, Matthew J.

Date: December 30, 2003

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Fee Processing

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## CERTIFICATE OF FACSIMILE

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Signed: 

Neely Jo Entwistle

## AMENDMENT TRANSMITTAL

Sir:

Transmitted herewith is an amendment in the above-entitled application.  
The fee has been calculated as shown below.

CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY RATE FEE	OR	LARGE ENTITY RATE FEE
TOT CLAIMS	56	-	56	0	X09 = \$	OR X18 = \$
INDEP CLAIMS	06	-	06	0	X43 = \$	OR X86 = \$
<input type="checkbox"/> Multiple Dependent Claim Present and Fee Not Previously Paid				\$145		\$290
TOTAL				\$		\$

☐ Applicant petitions for a \_\_\_ month extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)). The Commissioner is authorized to charge such fees to Deposit Account 07-4415 (Order No. \_\_\_).

☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ The Commissioner is hereby authorized to charge the indicated additional claim fees and/or extension of time fees to Deposit Account 07-4415 (Order No. \_\_\_).

☒ The Commissioner is authorized to charge any fee deficiencies or credit any overpayment to Deposit Account No. 07-1445 (Order No. IMET0066). A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,



Michael A. Glenn  
Reg. No. 30,176

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Customer Number 22,862

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

5 MAKAREWICZ et al.

Application No: 09/954,856

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10

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15

Atty. Docket No: IMET0066

Art Unit: 3736

Examiner: KREMER, Matthew J.

Date: December 30, 2003

CERTIFICATE OF FACSIMILE

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Signed:

Neely J. Entwistle

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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25

AMENDMENT IN RESPONSE TO FINAL REJECTION

Sir:

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This amendment is submitted in response to the Final Rejection dated October 30, 2003 in the above-identified United States Patent Application. The period for response extends through January 30, 2004. A list of pending claims is provided herewith for the convenience of the Examiner, and starts on page 2 of this paper.

35 The remarks begin on page 10 of this paper.

The Application is amended as follows:

- Claims 30, 51, 52, 54 and 55 are amended.

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